

When Will Nigeria Immortalise Chimezie Ikeazor SAN?

Chinelo Bob-Osamor

I always shudder at the plight of awaiting trial inmates in Nigeria. Our awaiting trial inmates comprise of persons accused of crimes ranging from misdemeanors to more serious offenses. They are usually remanded in police cells and prison custody pending the determination of their cases. The conditions under which these people stay and the treatment meted out to them is worse than the ones experienced by black prisoners during the apartheid era in South Africa. The stench of putrefaction that oozes out of these unhygienic cells is akin to that from a pig sty. A colleague who went to the police station one day and heard the inmates singing religious hymns in mournful tones, asked an officer what was going on; he was told that the cell leader was 'wasted' a while ago. These fellow Nigerians are maimed and killed, by police officers without trial. Whatever happened to the presumption of innocence? Whilst there is no reliable statistics of those awaiting trial in Nigeria, there is no doubt that most of them are so poor that they cannot afford legal services.

It is notable that things were not even this bad in the 1960s when a young Law graduate, Chimezie Ikeazor, moved by compassion for

humanity and selfless service to his fatherland, started a crusade for social justice. A law graduate of the University of London, Chimezie Ikeazor was called to the English Bar in 1959. Upon his return, young Chimezie decided to practise Law. It was in the course of his practice that he came across so many poor people who were incarcerated and could not afford legal representation. Touched by the plight of these hapless Nigerians, he invited some of his colleagues and mooted the idea of setting up legal aid for the poor. Like all such ideas that are ahead of their time, his colleagues scoffed at it. Undaunted, Chimezie Ikeazor forged ahead and inaugurated legal aid for the poor in his chambers.

Thereafter, he co-opted Chief Solomon Lar and Chief Debo Akande (both of blessed memory) to serve as his deputies in the North and Southwest Nigeria, respectively. Thus, the legal aid movement in Nigeria was born. Determined as ever, Chimezie Ikeazor sold his only house in Onitsha to finance the project.

Soon enough he was confronted with the fact that he could not singlehandedly realise the full potential of legal aid in Nigeria without government support. He sought audience with the then Military Head of State Gen. Olusegun Obasanjo who initially kicked against the idea. Chief Ikeazor then told Gen. Obasanjo how an inmate, Mr. Afogbari Akinyemi, had spent

seven years awaiting trial for breaking the window pane of a big man's house, an offence which upon conviction would have attracted a much lighter penalty. Chief Ikeazor further told him that it took the intervention of the then Chief Justice of the Western Region, who was on a prison visitation to secure the release of the inmate. This convinced General Obasanjo who corroborated this in his forward to Chief Chimezie Ikeazor's book, 'Legal Aid for the poor in Nigeria', where he wrote "I recall that in 1976, as Military Head of State and Commander-in-Chief of the Armed forces, the author along with the then Attorney General of the federation, Hon. Dan Ihekwe along with other eminent jurists and legal practitioners convinced me that a legal aid scheme was inevitable in Nigeria".

The Nigerian legal Aid Association founded by Chief Ikeazor culminated in the promulgation of the Legal Aid Decree now Legal Aid Act No. 56 of 1976. The Act formally introduced the legal aid scheme into our Jurisprudence. Chief Ikeazor still not satisfied with the extent of the progress made thus far, sent a memorandum to the 1979 Constitution Drafting Committee. The memorandum by Chief Ikeazor was not only accepted by the committee, it was copied word for word into the 1979 Constitution under Enforcement of fundamental rights



Chimezie Ikeazor SAN

of indigent citizens, which was guaranteed by section 42 (4)(b) of the 1979 Constitution of the Federal Republic of Nigeria. Subsequent constitutions adopted the same provision. During an interview with Chief Ikeazor on his 80th birthday, he spoke passionately about legal aid in Nigeria, he was however disappointed that the Legal Aid Council has performed

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Legal Personality of the Week Chuck Nduka-Eze

'As a Lawyer, You have to be Intellectually Astute and Wise'

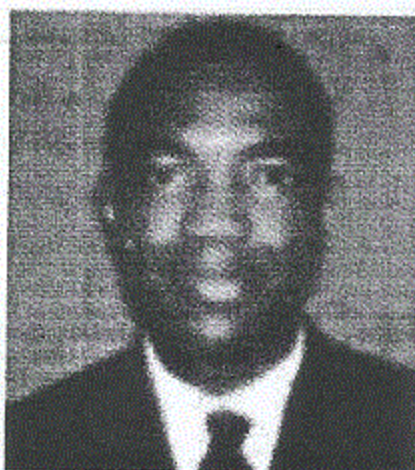
My name is Chuck Nduka-Eze and I am a legal practitioner. I had my legal education at Warwick University, UK and University of Lagos, Nigeria. I was admitted to the Nigerian Bar in 1988, The Middle Temple, UK in 1990 and The State of California, USA in 1994. I did pupillage in the Chambers of Sir Desmond De Silva QC and my pupil master was Mr. Roderick Johnson QC. I practised in the UK Bar for 9 years and returned to Nigeria in 1999 and was appointed Legal Adviser/Company Secretary to Diamond Bank. After 2 years of banking legal advisory work I returned to private legal practice and commercial life in 2002. I have interests in Real Estate and Oil Services and serve on the board of several companies.

Have you had any challenges in your career as a lawyer and if so what were the main challenges?

In my early years as a barrister in England we found that one was always the only black person around - whether in Chambers, in the bar mess or indeed when we turn up in court to present cases. You felt therefore you needed to be on your best behavior as an ambassador of your race - as it were. It could produce awkward outcomes at times but happily the bar in England now has many barristers from ethnic minorities - A development much welcomed. Also as a Nigerian then practising at the English bar we observed that our people tended to be somewhat over represented on the wrong side of the fence - this was hardly a reality that assisted a young barrister's sense of confidence and pride.

Then here at home one cannot help the feeling that legal practice has developed along the lines of law being seen as a game played with total disregard to the ends of justice and truth. We are failing in our duty to the Nigerian public and unless something is done urgently to arrest this development we could be in very serious trouble as a society. If the public lose faith in the possibility of the law being a forum for effective resolution of their problems and issues you can only imagine what the result will be. I find this situation in Nigeria extremely tragic and challenging.

What was your worst day as a lawyer?
One of my worst experiences was acting for a man accused of rape at Snaresbrook



Chuck Nduka-Eze

Crown Court in England. I had put forward a most persuasive and convincing defence to the charge based on my belief in his innocence and successfully secured his acquittal - only to be congratulated by him in terms suggesting that my advocacy had done the trick. I was ashamed to have been so used but regrettably the rules of practice accommodates this.

What was your most memorable experience?

One of my most memorable recollections was acting as counsel in the artistic dispute between the famous conceptual artist - Damien Hirst, and a down-at-heel Oxford Art Curator - Mr. Mark Bridger. The case promised much as a cause celebre and excited considerable media interest as Mr. Hirst had become something of an enfant terrible of the English art establishment. Because of the considerable media interest one was going to be in the public eye which was quite daunting. I spent time researching and went through the case report on *WHISTLER v RUSKIN* that raised similar issues and came up in the same Court in 1878. The main argument put forward by Mr. Bridger was capable of being upheld and could establish a dangerous precedent. Mr. Bridger was charged with Criminal Damage for defacing Mr. Hirst's exhibit entitled 'Away from the Flock' at the Serpentine Gallery, London, but he argued that he was merely

making an artistic statement by adding an addendum to the work in furtherance of the artistic intentions of Mr. Hirst. That he was contributing to the work by continuing the artistic process and furthermore, that since his conduct actually enhanced the value of the work he could not be said to have damaged the exhibit. This was an attractive submission though somewhat disingenuous. It was true that the publicity provoked by his conduct made the exhibit even more desirable and expensive to collectors but this was not Mr. Bridger's intention when he defaced the work and if this defence was upheld no work of art will be safe in any public gallery - case was eventually won on the question of intent and public policy. The cross examination conducted by both counsel was described by the Guardian Newspaper on its front page of 19th August 1994 as "a sort of performance art" and was eventually made the subject of a BBC 2 television documentary in its Late Show programme later that year.

The Judge made the following remarks in giving his decision "In more than two and a half centuries this court has had countless less than usual cases and this may be numbered among them in due time". I found my little role as counsel in that court drama quite satisfying and Mr. Hirst went on to become the most famous contemporary British artist.

I also had the great burden and responsibility of presenting the petition on behalf of Asaba Community to Oputa Panel in 1999 for the 1967 Massacre of Asaba people by Federal Troops at the outset of the Nigerian/Biafran War. Speaking for the dead and voiceless must be one of the sacred tasks and a high moment for any advocate. We have been deprived of the lessons and useful recommendations of the Oputa Panel Commission by the introduction of the nebulous permanent injunction into our jurisprudence - an injunctive relief hitherto unknown in any common law country.

Who has been most influential in your life?

My late father dominated my imagination for his selfless commitment and irrepressible courage as a nationalist in the struggle for Nigerian independence and paradoxically after independence in his struggle against

oppression of Nigerians by our fellow countrymen. I also derived much from the teachings of Sir Thomas Moore, M. Gandhi, Martin Luther King Jr and our very own Lt Col Adekunle Fajuyi - Great Fajuyi demonstrated the admirable gentlemanly notion of a host's care and protection for his guest and took it to heights unknown in our annals.

Why did you become a lawyer?

I desired a career that made it possible to do something about important issues and the only profession that afforded a platform for effective remedial action in the drama of life was the law. I also had the opportunity to observe my dad and see something of what you can use law to accomplish. So a combination of background and choice seems to have motivated my journey.

What would your advice be to anyone wanting a career in the law?

That Law should mean more to them than just a platform for acquiring wealth and the good life. There is a social welfare imperative to the law that all aspiring lawyers should be conscious of irrespective of where their careers take them. Aspiring lawyers should read widely and have a sense of history so they can acquire the breadth of knowledge to be of use to those who need their service and assistance. You have to be intellectually astute and wise to do the job convincingly. Integrity is also an indispensable attribute and a rare quality in the times we live in.

If you did not become a lawyer, what would you have chosen?

I had great interest in and affection for History and could easily have become an academic in some classroom pronouncing on great events of the past and the lessons of history - a thoroughly enjoyable and refreshing prospect.

Where do you see yourself in ten years?

Hopefully wise and knowledgeable enough to impart some insight to the younger ones. I will like to retire to a library full of great works that hint at the potential of man to change his environment and situation despite the odds. It will be great to be part of a much needed effort to get our people to love ourselves more and to give selflessly to the country we are privileged to call our own.